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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,703	02/02/2004	George Vodin	10808-1	7372

7590 10/03/2005

National IP Rights Center, LLC
Suite 400
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Blue Bell, PA 19422

EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/774,703

Applicant(s)

VODIN, GEORGE

Examiner

Jared W. Newton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. The prior art referenced in the disclosure has not been considered unless otherwise noted.

Drawings

2. The drawings were received on July 02, 2004. These drawings are generally appropriate. However, the reference characters of Figures 2 and 3 require legible and clearly readable labels.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14, 16, 2, Figure 2a, Figure 2b. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
- It is requested that the paragraphs and or lines be numbered for reference.
 - Line 7 on page 2 of the disclosure should read, "...front edge of a store shelf ~~provides~~ providing a sealed..."
 - Line 19 on page 7 of the disclosure should read, "...attachment ~~means~~ means comprises a..."
 - Line 20 on page 7 of the disclosure should read, "loop to be ~~easy-easy~~ easily detached."
 - The reference characters in the specification should match the corresponding characters in the drawings. For instance, 12A in the drawings should be referred to as 12A in the specification, not 12a.
5. The use of the trademark "Velcro" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. It is suggested that the applicant use the terminology, "hook and loop fastener," in place of the trademark.

Claim Objections

6. Claims 2 and 5 are objected to as claiming functional language. With respect to the recitations, "...wherein the display pieces comprise picture frame mold members." (claim 2) and, "...for the placement of molds" (claim 5), it is noted that since this recitation is functionally reciting molds or mold members, a reference need not explicitly show use with molds or mold members. Rather, a reference need only *be capable of* being used in such a way as claimed. The references that follow in the claim rejections below show capability of being used in the claimed manner as cited.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed subject matter does not refer to the invention as defined in the specification and drawings. The ability of the rack to hold display pieces, and in particular mold members, is not a structure of the present invention, but rather its intended function, and thus not claimable.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S.

Patent No. 6,915,914 to Farrand.

11. In regard to claim 1, Farrand shows a display and storage system 10 comprising a frame assembly 12 and 17 having internal housing sections 22, and rotating carousel racks 24 which support a plurality of display pieces (see FIGS. 1 and 2).

12. In regard to claim 2, Farrand further shows said system as capable of supporting various display pieces, including frame mold members.

13. In regard to claim 3, Farrand shows said display system further comprising a frame housing 12 and 17 having a plurality of internal open sections 22; a plurality of rotating carousel panel members 24 which rotate about a central axis extending from pivot support 14 (see FIG. 2) within said open sections 22 (see FIGS. 1 and 7). Farrand further discloses means for affixing display pieces to said carousel racks in the form of retaining baskets 36 (see FIG. 10).

14. In regard to claim 4, Farrand discloses the system according to claim 3, further comprising said plurality of rotating carousel members comprising a general "x-shape" extending from their centers, as shown in the top view of Figure 7.

15. In regard to claim 5, Farrand discloses a system comprising the limitations set forth above, including: the frame housing and internal open sections, the rotating carousel members having a general "x-shape" rotating about a central axis within said internal sections, and the retainer fixing means. Farrand further discloses additional

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planar wall or door surfaces 34 proximate to the rotating panel members and adapted to retain additional display items (see FIG. 1).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand in further view of U.S. Patent No. 4,850,658 to Sandor. Farrand discloses a device comprising all of the limitations of claims 1-5. Sandor further discloses a storage container comprising a plurality of display support members 25,26,27,28 which rotate about respective central axes (see FIG. 1). Sandor further discloses said panel members comprising an "x-shaped" composite of four members, and means 36 for affixing display pieces to said members (see FIGS. 1 and 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display members as disclosed by Sandor within the housing and frame structure as disclosed by Farrand. The motivation for said inclusion would be to provide said structure with a simpler display means which would accommodate displays that require more space than provided by the display means according to Farrand alone.

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Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN


Richard Chilcot
Supervisory Patent Examiner
Electronic Business Center 3634